



JOHN H. KLOCK  
Director

Gibbons P.C.  
One Gateway Center  
Newark, New Jersey 07102-5310  
Direct (373) 596-4757 Fax (973) 596-6270  
jklock@gibbonspc.com

September 3, 2008

**VIA FACSIMILE**

The Honorable Victor Marrero  
United State District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Suite 660  
New York, New York 10007

**SDS SDNY**

**DOCUMENT**

**TRONICALLY FILED**

**DATE FILED: 9-4-08**

**Re: Avon Products, Inc. v. Waste Management of New York, LLC, et. al.  
Docket No. 07 Civ. 2891 (VM)**

Dear Judge Marrero:

We represent Plaintiff Avon Products, Inc. ("Avon") in connection with the above referenced matter. Please accept this correspondence to update Your Honor as to the status of the above referenced matter as Ordered on September 3, 2008.

During August 2007, Avon proposed a Joint Discovery Plan and Scheduling Order for consideration by the defendants. During September 2007, the parties conducted a conference pursuant to Fed.R.Civ.P. 26(f) and during October 2007, the parties exchanged initial disclosures pursuant to Fed.R.Civ.P. 26(a). However, the parties agreed to attempt mediation and formal discovery was delayed pending the outcome. Therefore, a complete discovery schedule was not finalized.

During March 2008, the parties attempted mediation before Former United States District Court Judge Stephen Orlofsky of Blank Rome, LLP. Unfortunately, the mediation did not result in a settlement and subsequent negotiations have broken down. Following this attempt at settlement, the parties have initiated formal discovery. The parties are now in the process of exchanging documents and Avon has noticed the first deposition.

Avon contemplates further litigation with respect to this matter and respectfully requests that this case be maintained. Avon is available for a case management conference should Your Honor deem it necessary.

Very truly yours,

John H. Klock  
Director

<i>The parties are directed to meet and confer and submit to the Court by 9-12-08 an agreed-upon Case Management Plan proposal in the form provided.</i>	
<b>SO ORDERED:</b> <i>By the Court, a copy of which may be obtained from Chambers.</i>	
<i>9-4-08</i>	
<b>DATE</b>	<b>VICTOR MARRERO, U.S.D.J.</b>

GIBBONS P.C.

The Honorable Victor Marrero  
September 3, 2008  
Page 2

cc: Joseph F. O'Dea, Jr., Esq.  
Cathleen M. Devlin, Esq.  
Allison B. Newhart, Esq.  
(all via facsimile)